IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 1326 of 2004

Dated 20th February, 2007

Between

Sravantha Dolai, being minor, rep. By his natural
Father and Guardian, Sarathchandra Dolai

…Petitioner

and

The Director of Tribal Welfare, Government of AP
TS Bhavan, Masabtank, Hyderabad, rep. By its Commissioner, and
ors.

…Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO :1326 of 2004

ORDER:

This Writ Petition is filed seeking Writ of Mandamus to declare the action of the 2nd and 3rd respondents in not admitting the petitioner into B.Tech course during the academic year 2003-2004 as illegal and arbitrary.

The petitioner appeared for EAMCET-2003 conducted by the Jawaharlal Nehru Technological University, Hyderabad for admission

into B.Tech course and secured rank of 62839. She claimed seat in the quota reserved for ST category on the ground that she belongs to 'Bentho Oriya'. When the application for grant of caste certificate was not considered, she has earlier approached this Court by filing Writ Petition No.19687 of 2003 and the said Writ Petition was disposed of along with other batch of cases, by order dated 30-10-2003. While enquiry was pending for issuance of caste certificate, the competent authority-Revenue Divisional Officer, Tekkali, has endorsed for grant of provisional admission to the petitioner as per Rule 19 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Rules, 1997. On the ground that in spite of such endorsement extending the benefit of Rule 19 of the said Rules she was not admitted to B.Tech course, she approached this Court and filed this Writ petition in the year 2004. This Court by order dated 12-2-2004 directed the respondents to take steps for grant of provisional admission as per the endorsement dated 12-1-2004. It is stated that the petitioner was admitted to the B.Tech course during the academic year 2003-2004 in the Andhra University College of Engineering, Visakhapatnam, and, presently she is in III year B.Tech course.

In the counter affidavit filed on behalf of the respondents delay in concluding the enquiry is attributed to the petitioner, as the petitioner did not produce relevant documentary evidence. It is submitted by the learned Counsel that subsequent to the filing of the counter affidavit, final orders are passed on 06-08-2006 rejecting the claim of the petitioner and as against the same, the petitioner has preferred appeal to the appellate authority on 4-9-2006 as contemplated under Rule 10 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Rules, 1997.

Though it is the case of the respondents that there was delay in concluding the enquiry in view of non-filing of the supporting material by the petitioner in proof of her claim with regard to community 'Bentho Oriya', but however, when the endorsement was made by the competent authority for grant of admission under Rule 19 of the Andhra Pradesh (SC, ST & BCs) Regulation of Issue of Community Certificates Rules, 1997, the enquiry ought to have been concluded at the earliest point of time. It is stated that the claim of the petitioner was rejected on 6-8-2006, but however, by that time, the petitioner is at the fag end of III year B.Tech course. If the supporting material is not filed by the petitioner, the competent authority ought to have taken decision based on the material filed by the petitioner. In that view of the matter, as much as the petitioner was already admitted to the B.Tech course during the academic year 2003-2004 in view of the endorsement made by the Revenue Divisional Officer, Tekkali, I dispose of the Writ petition directing the respondents to allow the petitioner to continue and complete the course and issue necessary certificates of the course. However, it is made clear that as much as her claim that she belongs to ST is already rejected, she shall not claim any benefit of ST for the future educational purposes or employment, unless she succeeds in the appeal filed before the appellate authority.

Subject to the above direction, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 20-02-2007.
Msnr.